

**STAFF REPORT
ZONING BOARD OF ADJUSTMENT
Wednesday, July 11, 2018
9:00 a.m.
Room 105 Courthouse Annex
Cascade County Commissioners Chambers**

SUP #07-018

Subject Property Information

Name & Address Applicant:	Michael Goulet 5405 Lower River Rd #133 Great Falls, MT 59405
Property Owner:	Trailer Terrace Community Inc President Jesse Welling 5405 Lower River Rd #64 Great Falls, MT 59405
Geo Code:	02-3015-36-1-01-30-0000
Parcel Number:	0002533700
Existing Zoning:	Mobile Home (MH) District
Legal Description:	Section 36, Township 20N, Range 03E
Requested Action and Purpose:	Approval to operate commercial/retail establishment for convenience sales
Total Land Area:	13.45 Acres
Adjacent Land Uses & Zoning:	North: Suburban Residential SR-2, Vacant South: Mobile Home Use/Zoning; Smiley's Gymnastics, Commercial Zone; SR-2, Residential Use West: SR-2, Residential East: SR-2 Residential
Current Land Use:	Mobile Home Park
Applicable Regulations:	Section 7.5.12.6, and Section 10 of the Cascade County Zoning Regulations

General Information:

The Cascade County Zoning Board of Adjustment is in receipt of a Special Use Permit application from Michael Goulet, for convenience store in a building at 5435 Lower River Road, Great Falls, MT 59405.

10.1 General Provisions

A special use is a use for which conformance to additional standards will be required and shall be deemed to be a permitted use in its respective district, subject to the standards and requirements set forth herein, in addition to other applicable requirements of these regulations. All such uses are hereby said to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.

A special use permit may be issued only upon meeting all requirements in these regulations for a specific use which is explicitly mentioned as one of the "Uses Permitted Upon Issuance of a Special Use Permit as Provided in Section 10" within the respective zoning districts contained in Section 7 or Section 8.1.5 hereof. After the public hearing is closed, the Zoning Board of Adjustment can approve, deny, or approve with conditions the Special Use Permit. A separate Special Use Permit shall be required per each tract of land. The Special Use Permit fee shall be \$450.00.

10.4 Expiration

The Zoning Board of Adjustment approval of the Special Use Permit shall be valid for only one particular use and shall expire one year after the date of approval, if construction or the use has not started. The Zoning Administrator may grant a one-time only six (6) month extension of the Zoning Board of Adjustment approval.

The Special Use Permit shall expire if the use ceases for six (6) months for any reason. Any further extension requests must be granted by the Zoning Board of Adjustment prior to the date of expiration.

10.7 Operations

Operations in connection with the Special Use permits shall not be more objectionable to nearby properties by reason of noise, fumes, vibrations, or flashing lights, than would be the operation of any permitted use.

Findings of Fact:

1. The property is in a Mobile Home (MH) Zoned District. The proposed convenience sales business is allowed in the Mobile Home District pursuant to Section 7.5.12.6, which reads, *"Uses permitted upon issuance of a Special Use Permit... Convenience Sales, Allowed with the following exclusions: (1)*

Liquor (2) Gambling except for: (a) The Montana State Lottery, Powerball tickets, and the like.”.

2. Trailer Terrace Community Inc is the legal owner of the property, the current President is Jesse Welling.
3. There was a convenience store previously in the same location that was known as Eden Market. The store fell out of use for a period of longer than six months and is the new prospective proprietors are required to obtain a new Special Use Permit for the business.
4. The property is not in violation of any Cascade County Zoning Regulations or any other County Ordinance, and county taxes are current.
5. Legal notice of the application and the public hearing was published in the *Great Falls Tribune* on July 1, 2018 and July 8, 2018. It was also mailed to surrounding neighbors with certified letters on June 28, 2018. At the time of writing this report, staff has received no comments.
6. A Special Use Permit may be revoked by the Cascade County Zoning Board of Adjustment at any time a building(s) or use(s) is deemed to be in violation of the standards and zoning requirements under which the special use permit was issued. A violation of a special use permit will be handled as any other violation under Section 13 of these regulations.
7. Appeals of the Zoning Board of Adjustment decision shall follow the process outlined in Section 12 of the Cascade County Zoning Regulations.

Findings with Respect to the Analysis Criteria

Staff provides that the following analysis, findings and conclusion for each of the required criteria and conclusions provided under the controlling sections of the Zoning Regulations.

1. Conditions may be required that the Zoning Board of Adjustment determines if implemented, will mitigate potential conflicts in order to reach these conclusions.
2. The proposed development will not materially endanger the public health or safety.

Considerations:

- a. Traffic conditions in the vicinity, including the effect of additional traffic on streets and street intersections, and sight lines at street intersection and curb cuts.

Applicant: Traffic conditions are light to moderate on Lower River Road and reflect the local community travel. Store front located off Lower River Road with a green belt buffer. We don't anticipate an increase in traffic from stores opening.

Staff: Traffic conditions in the vicinity may become more congested with vehicles turning off and onto Lower River Road to access The Little Store, but it would not be expected that proposed development would endanger the public health or safety due to traffic conditions in the vicinity. It would be expected there would be a decrease in the number of vehicles that have to travel to Great Falls for supplies as they have this service in close proximity.

- b. Provision of services and utilities including sewer, water, electrical, garbage collections, and fire protection.

Applicant: No changes will be made with utilities of existing structure. The store is now connected to the South Wind Water and Sewer District, PWS # MT 25. No additional burdens will be added to current utilities with the store.

Staff: Based on the application provided, there may be a need for garbage collection throughout the week based on the operation and amount of waste generated. Water, sewer and electricity will be provided on site, and fire protection will be provided by Sand Coulee Fire District.

- c. Soil erosion and sedimentation.

Applicant: The existing store's footprint has not changes. Stormwater runoff will not change due to acquiring an SUP.

Staff: There is not expected to be any issues with soil erosion and sedimentation as the location is already in use with roads, landscape and parking. Stormwater runoff is not expected to have an impact as the facilities are already existing.

- d. Protection of public, community, or private water supplies, including possible adverse effects on surface waters or groundwater.

Applicant: Same as above, SUP is being obtained for small retail sales of grocery items. No infrastructure was added or removed.

Staff: The operation of the store is not expected to have any adverse impacts or effects on surface water, groundwater or public, community or private water supplies.

3. The proposed development will not substantially injure the value of adjoining property, or is a public necessity.

Considerations:

- a. The relationship of the proposed use and the character of the development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved.

Applicant: The surrounding community's relationship will be positive as community will have convenient shopping. The building and its recent upgrade greatly enhances the local community. No conflicts are anticipated as The Little Store is the only store in the area.

Staff: There would not be conflict among other retailers in the area, however there may be conflicts between the store (a commercial use) and homes (residential uses) in the vicinity. Staff feels that the conflicts would be minimal and may be overcome by adjusting the operations, such as adjusting market hours in order to cut down on noise due to traffic coming and going to the store.

- b. Whether the proposed development is so necessary to the public health, safety, and general welfare of the community or county as a whole, to justify it regardless of its impact on the value of adjoining property.

Applicant: The Little Store will not only be a convenient and affordable shopping solution but also should be of great value to adjoining property and their values. The Little Store would provide a place for the community to gather for coffee and say "Hi" to neighbors building a strong sense of community.

Staff: The proposed development is not so necessary to the public health, safety and general welfare to the community or county as a whole to justify it, but the operation is not expected to have any impacts on adjoining property values.

4. The proposed development will be in harmony with the area in which it is located.

Considerations:

- a. The relationship of the proposed use and the character of development to surrounding uses and development, including

possible conflicts between them and how these conflicts will be resolved.

Applicant: We (TLS & TTCI) would not foresee any conflicts of use, but instead see an excitement and positive attitudes toward having a local store. The store's appearance greatly enhances the Mobile Park's front appearance.

Staff: There could be conflicts that arise among a commercial convenient store, and the residential areas that surround it. These conflicts are only estimated to be minor, due to the hours of operation and the services offered by the market will be small.

5. The proposed development will be consistent with the Cascade County Growth Policy.

Considerations:

- a. Consistency with the growth policy objectives for the various planning areas, its definitions of the various land use classifications and activity centers, and its location standards.

Goal 1: Sustain and strengthen the economic well-being of Cascade County's citizens.

- A. Stimulate the retention and expansion of existing businesses, new businesses, value-added businesses, wholesale and retail businesses, and industries including agriculture, mining, manufacturing/processing and forest products.*
- B. Stabilize and diversify the county's tax base by encouraging the sustainable use of its natural resources.*
- C. Identify and pursue primary business development that complements existing business, which is compatible with communities, and utilizes available assets. Identify and pursue targeted business development opportunities to include, but not limited to, manufacturing/heavy industry, telecommunications, and youth/social services.*
- D. Promote the development of cultural resources and tourism to broaden Cascade County's economic base.*
- E. Foster and stimulate well-planned entrepreneurship among the county's citizenry.*

- F. Promote a strong local business environment. Encourage and strengthen business support mechanisms such as chambers of commerce, development organizations and business roundtable organizations.*
- G. Improve local trade capture for Cascade County businesses. Promote local shopping as well as well-planned businesses and new businesses.*
- H. Network with and support other economic development efforts in the region and statewide, in recognition of Cascade County's interdependence with other communities and to leverage available local resources.*
- I. Encourage the growth of the agricultural economy.*
- J. Stimulate the growth of the economy by encouraging the use of alternate methods of energy production, including wind energy.*

Applicant: The Little Store while being a small store should have a large impact on the economic well being of the citizens of Cascade County. While Great Falls continues to expand The Little Stores impact south of town should foster a positive thought on people looking to develop residential, agricultural, and industrial areas. We (The Little Store) as a business look forward to growing with the community and work with business roundtable organizations in future growth in our business and community. While no events are concretely planned we along with Trailer Terrace Community have envisioned local community yard and craft sales. The possibilities are endless in a community such as this.

Staff: Staff believes that reopening the store in this location will provide an opportunity to revitalize and retain a business that will provide immediate benefit to the surrounding community. This will increase the tax base, stimulate the economy by providing employment opportunities, and enhance the business environment of the county.

GOAL 2: Protect and maintain Cascade County's rural character and the community's historic relationship with the natural resource development.

Objectives:

- A. Foster the continuance of agriculture and forestry in recognition of their economic contribution and the intrinsic natural beauty of grazing areas, farmlands and forests.*
- B. Preserve Cascade County's scenic beauty and conserve its forests, rangelands and streams, with their abundant wildlife and good fisheries.*

- C. *Preserve Cascade County's open space setting by encouraging new development to locate near existing towns and rural settlements and by discouraging poorly designed, land subdivisions and commercial development.*
- D. *Assure clean air, clean water, a healthful environment and good community appearance.*
- E. *Support the development of natural resources including but not limited to timber, mining, oil and gas production, and renewable energy production.*
- F. *Continue to work with federal and state agencies to redevelop properties within Cascade County which are currently undergoing Superfund and Brownfields process.*

GOAL 3: Maintain Agricultural economy

- A. *Protect the most productive soil types.*
- B. *Continue to protect soils against erosion.*
- C. *Protect the floodplain from non-agricultural development.*
- D. *Support the development of value-added agricultural industry in Cascade County utilizing the products from the regional area.*

Applicant: The Little Stores recent upgrades maintain and greatly enhance the rural character of Cascade County and looks to be the standard of "Modern Montana" construction. I wouldn't begin to know the impacts we would have on agricultural and forestry industries but I would believe once you would leave this community area and see the natural areas along the river and natural beauty of farmlands you would know that the last business you seen was consistent with that beauty.

Staff: The proposed convenience operation will not have any negative impacts on the rural character of the County or the relationship with natural resource development. This is an existing structure, that when remodeled will complement the existing development and will tap into a new public wastewater system. Staff does not believe that this will have any negative impacts on the agricultural economy, but could improve it depending on where the store products come from.

GOAL 4: Retain the presence of the US Military in Cascade County.

Objectives:

- A. *Encourage the federal congressional delegation to actively support maintaining the current mission status at a minimum.*

B. Promote the location of additional military missions in Cascade County.

C. Encourage the reactivation of the runway at Malmstrom Air Force Base for fixed wing operations.

D. Refer to the Joint Land Use Study for resolving conflicts and promoting mission compatible development.

Applicant: The Little Store would probably not have much impact on US Military in Cascade County. We would always encourage the Federal congressional delegation to support our military's mission in Cascade County. The military mission has always had an impact on all of Cascade County whether directly or indirectly and therefore we support all their endeavors.

Staff: This site is in the Military Overlay District E or F, which places restrictions on height based on the elevation of the helicopter runway at Malmstrom. This site is well within compliance based on elevation and the closest military installation is Malmstrom, approximately 7 miles away. Staff does not anticipate any adverse impacts on the military's mission.

GOAL 5: Preserve and enhance the rural, friendly and independent lifestyle currently enjoyed by Cascade County's citizens.

Objectives:

A. Maintain Cascade County's citizens independent lifestyle and minimize local governmental intervention, to the extent possible, consistent with the requirements of a continually evolving economy and constantly changing population.

B. Preserve and promote Cascade County's rich cultural heritage, rooted in natural resource development and reflected in its numerous cultural/historic sites and archaeological areas.

C. Promote fire prevention measures throughout the county, giving special emphasis to the extreme fire hazards present at the wild land/urban interface.

D. Encourage the continued development of educational programs and facilities, recreational opportunities and spaces and health services for all county residents.

Applicant: We at The Little Store would always welcome travelers from abroad as a new friend and love to discuss the cultural and historic sites. I being born and raised here have a great knowledge of the Lewis

and Clark journey and the various sites we have in close proximity to the store.

Staff: This proposal has the opportunity to create a communal gathering area for the Trailer Terrace community as well as the surrounding area and provide greater independence for those citizens. Staff believes that the fire hazard risk would be reduced, as a vacant building poses a greater hazard than an occupied one. Staff does not think that this will have any adverse impacts on educational programs.

- b. Consistency with the municipal and joint land use plans incorporated by the Growth Policy.

Applicant: No response.

The Municipal and Joint Land Use Plans incorporated by the Growth Policy were set up to ensure communication takes place between Malmstrom Air Force Base and the Cascade County Planning Division where projects may have an impact on MAFB operations. The regulations pertain to construction activity around Missile Alert Facilities or Launch Facilities, and the height of development around the Height Military Overlay District. The existing structures will be in compliance with the joint land use plan.

Motions:

The following motions are provided for the board's consideration:

- A. Alternative 1: Move the Special Use Permit to allow the operation of a Convenience Sales business on the property be **denied** due to (ZBOA member proposing denial must delineate legal reason that the application be denied); or
- B. Alternative 2: Move the Board adopt the staff report and **approve** the Special Use Permit to allow the operation of a Convenience Sales/Retail business at 5435 Lower River Rd, legally described as parcel #0002533700 and Geo Code 02-3015-36-1-01-30-0000, subject to the following conditions:
 - 1. Applicant obtains any and all other Local, State, and Federal Permits.
 - 2. Applicant operate in accordance with the restrictions on liquor and gambling imposed by Section 7.5.12.6.

Attachments:

- Special Use Permit Application, Answers to the Growth Policy Criteria.